

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1654 Session of  
1993

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CIVERA, ZUG, EGOLF, DRUCE AND MICOZZIE, MAY 25, 1993

REFERRED TO COMMITTEE ON MILITARY AND VETERANS AFFAIRS,  
MAY 25, 1993

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled  
2 "An act providing for and reorganizing the conduct of the  
3 executive and administrative work of the Commonwealth by the  
4 Executive Department thereof and the administrative  
5 departments, boards, commissions, and officers thereof,  
6 including the boards of trustees of State Normal Schools, or  
7 Teachers Colleges; abolishing, creating, reorganizing or  
8 authorizing the reorganization of certain administrative  
9 departments, boards, and commissions; defining the powers and  
10 duties of the Governor and other executive and administrative  
11 officers, and of the several administrative departments,  
12 boards, commissions, and officers; fixing the salaries of the  
13 Governor, Lieutenant Governor, and certain other executive  
14 and administrative officers; providing for the appointment of  
15 certain administrative officers, and of all deputies and  
16 other assistants and employes in certain departments, boards,  
17 and commissions; and prescribing the manner in which the  
18 number and compensation of the deputies and all other  
19 assistants and employes of certain departments, boards and  
20 commissions shall be determined," changing the Department of  
21 Military Affairs to the Department of Military and Veterans  
22 Affairs; and making editorial changes.

23 The General Assembly of the Commonwealth of Pennsylvania  
24 hereby enacts as follows:

25 Section 1. Section 201 of the act of April 9, 1929 (P.L.177,

1 No.175), known as The Administrative Code of 1929, amended  
2 December 30, 1984 (P.L.1299, No.245) and repealed in part May  
3 26, 1988 (P.L.414, No.72), is amended to read:

4 Section 201. Executive Officers, Administrative Departments  
5 and Independent Administrative Boards and Commissions.--The  
6 executive and administrative work of this Commonwealth shall be  
7 performed by the Executive Department, consisting of the  
8 Governor, Lieutenant Governor, Secretary of the Commonwealth,  
9 Attorney General, Auditor General, State Treasurer, and  
10 Secretary of Education; by the Executive Board, and the  
11 Pennsylvania State Police; by the following administrative  
12 departments: Department of State, Office of Attorney General,  
13 Department of Corrections, Department of the Auditor General,  
14 Treasury Department, Department of Education, Department of  
15 Military and Veterans Affairs, Insurance Department, Department  
16 of Banking, Department of Agriculture, Department of  
17 Transportation, Department of Health, Department of Labor and  
18 Industry, Department of Aging, Department of Public Welfare,  
19 Department of General Services, Department of Revenue,  
20 Department of Commerce, Department of Community Affairs and  
21 Department of Environmental Resources; and by the following  
22 independent administrative boards and commissions: Pennsylvania  
23 Game Commission, Pennsylvania Fish and Boat Commission, State  
24 Civil Service Commission, Pennsylvania Public Utility Commission  
25 and the Pennsylvania Securities Commission.

26 All of the provisions of this act, which apply generally to  
27 administrative departments, or generally except to the  
28 Department of the Auditor General, the Treasury Department and  
29 the Office of Attorney General, shall apply to the Executive  
30 Board and to the Pennsylvania State Police.

1       Section 2. As much as relates to the Department of Military  
2   Affairs in section 202 of the act, amended September 28, 1976  
3   (P.L.1048, No.211) and repealed in part November 26, 1978  
4   (P.L.1207, No.283), is amended to read:

5       Section 202. Departmental Administrative Boards,  
6   Commissions, and Offices.--The following boards, commissions,  
7   and offices are hereby placed and made departmental  
8   administrative boards, commissions, or offices, as the case may  
9   be, in the respective administrative departments mentioned in  
10  the preceding section, as follows:

11       \* \* \*

12       In the Department of Military and Veterans Affairs,  
13       Armory Board of the State of Pennsylvania,

14       \* \* \*

15       Section 3. As much as relates to the Department of Military  
16  Affairs in section 203 of the act, amended December 3, 1970  
17  (P.L.834, No.275), is amended to read:

18       Section 203. Advisory Boards and Commissions.--The following  
19  advisory boards and commissions are placed in and made parts of  
20  the respective administrative departments, as follows:

21       In the Department of Military and Veterans Affairs,  
22       State Military Reservation Commission[,  
23       State Veterans' Commission];

24       \* \* \*

25       Section 4. Section 206 of the act, amended December 30, 1984  
26  (P.L.1299, No.245), is amended to read:

27       Section 206. Department Heads.--Each administrative  
28  department shall have as its head an officer who shall, either  
29  personally, by deputy, or by the duly authorized agent or  
30  employe of the department, and subject at all times to the

1 provisions of this act, exercise the powers and perform the  
2 duties by law vested in and imposed upon the department.

3 The following officers shall be the heads of the  
4 administrative departments following their respective titles:

5 Secretary of the Commonwealth, of the Department of State;

6 Auditor General, of the Department of the Auditor General;

7 State Treasurer, of the Treasury Department;

8 Attorney General, of the Office of Attorney General;

9 Secretary of Education, of the Department of Education;

10 Adjutant General, of the Department of Military and Veterans  
11 Affairs;

12 Insurance Commissioner, of the Insurance Department;

13 Secretary of Banking, of the Department of Banking;

14 Secretary of Agriculture, of the Department of Agriculture;

15 Secretary of Transportation, of the Department of

16 Transportation;

17 Secretary of Health, of the Department of Health;

18 Secretary of Labor and Industry, of the Department of Labor  
19 and Industry;

20 Secretary of Aging, of the Department of Aging;

21 Secretary of Public Welfare, of the Department of Public  
22 Welfare;

23 Secretary of Revenue, of the Department of Revenue;

24 Secretary of Commerce, of the Department of Commerce;

25 Secretary of Community Affairs, of the Department of  
26 Community Affairs;

27 Secretary of Environmental Resources, of the Department of  
28 Environmental Resources;

29 Secretary of General Services, of the Department of General  
30 Services;

Secretary of Corrections, of the Department of Corrections.

Section 5. Section 207.1(d)(5) of the act, added November 8, 1976 (P.L.1109, No.227), is amended to read:

Section 207.1. Gubernatorial Appointments.--\* \* \*

(d) The Governor shall nominate in accordance with the provisions of the Constitution of the Commonwealth of Pennsylvania and, by and with the advice and consent of a majority of the members elected to the Senate appoint persons to fill the following positions:

\* \* \*

(5) The general officers in the Department of Military and Veterans Affairs which he is authorized by law to appoint.

\* \* \*

Section 6. Section 213 of the act, amended June 25, 1947 (P.L.935, No.390) and November 8, 1976 (P.L.1109, No.227), is amended to read:

Section 213. Deputies.--The Governor shall appoint and fix the compensation of such number of deputy heads of administrative departments, except those of the Department of the Auditor General and Treasury Department, as the Executive Board shall approve, who shall, in the absence of the head of such department, have the right to exercise all the powers and perform all the duties by law vested in and imposed upon the head of such department, except the power to appoint bureau or division chiefs, or other assistants or employes, and who may, at any time, exercise such of the powers and perform such of the duties of the head of his department as may be prescribed by the head of his department: Provided, however, That any such deputy shall not have the right to exercise any power or perform any duty which the Constitution of the Commonwealth of Pennsylvania

1 requires the head of his department personally to exercise or  
2 perform.

3 Whenever there shall be a vacancy in the office of the head  
4 of any department, such deputy as the Governor shall designate  
5 in writing shall exercise the powers and perform the duties of  
6 the head of the department until the vacancy is filled.

7 With the approval of the Governor in writing, the head of any  
8 department may authorize a named deputy to serve in his stead on  
9 any board or commission, except the Board of Pardons of which  
10 such department head is a member ex-officio. One of the Deputy  
11 Adjutants General shall possess the same qualifications in all  
12 respects as are required by law for the Adjutant General of the  
13 Department of Military and Veterans Affairs.

14 Section 7. Section 1412(a) of the act, amended May 29, 1951  
15 (P.L.499, No.120), is amended to read:

16 Section 1412. Deputy Adjutant General in Charge of Veteran  
17 Affairs; Specific Duties.--(a) In addition to such other  
18 deputies as may be named in the Department of Military and  
19 Veterans Affairs, there shall be a deputy adjutant general in  
20 charge of all matters relating to veteran affairs, as set forth  
21 in full in subsection (b) hereof. Such deputy shall be selected  
22 as other deputies are now selected, shall be a veteran of any  
23 war in which the United States has been a participant, and an  
24 active member of a recognized veterans' organization. Such  
25 deputy shall receive such compensation as may be fixed as now  
26 provided by law, which compensation shall be provided from funds  
27 appropriated for the State Veterans' Commission. Such deputy  
28 shall also be in charge of such other matters relating to the  
29 military activities of the State as may be assigned by the  
30 Adjutant General.

1       \* \* \*

2       Section 8. Section 1413 of the act, added March 9, 1949  
3 (P.L.23, No.9), is amended to read:

4       Section 1413. Indiantown Gap Military Reservation.--The  
5 Department of Military and Veterans Affairs, in cooperation with  
6 the Department of [Public Instruction] Education, the Department  
7 of Health, and other State departments or agencies, shall have  
8 power to establish a recreational camp at Indiantown Gap  
9 Military Reservation for underprivileged children based upon the  
10 population of the various counties.

11       In connection with this camp the Department of Military and  
12 Veterans Affairs, subject to the approval of the Governor,  
13 shall, except as hereinafter provided, have all powers necessary  
14 for the carrying out of the aforesaid purpose including, but  
15 without limiting the generality of the foregoing, the power to:

- 16       (a) Provide transportation to and from the camp;  
17       (b) Provide food and medical care for the children and  
18 personnel engaged with the operation of said camp;  
19       (c) Determine the opening and closing dates of said camp;  
20       (d) Make rules and regulations covering the maintenance and  
21 operation of said camp.

22       In connection with this camp the Department of [Public  
23 Instruction] Education, subject to the approval of the Governor,  
24 shall have the power to:

- 25       (a) Establish age limits for admittance to said camp;  
26       (b) Establish a method of selecting underprivileged children  
27 for the camp through the public schools and private and  
28 parochial schools of the Commonwealth. Such selection shall be  
29 made without regard to race, color or creed;  
30       (c) Employ necessary personnel to supervise the activities

1 at said camp;

2 (d) Provide recreational facilities, health, educational and  
3 patriotic programs at said camp;

4 (e) Arrange for religious services or attendance at  
5 churches.

6 Section 9. Section 1414 of the act, added September 28, 1976  
7 (P.L.1048, No.211), is amended to read:

8 Section 1414. Hollidaysburg Veterans' Home.--(a) The  
9 Department of Military and Veterans Affairs shall maintain and  
10 operate the Hollidaysburg Veterans' Home for military veterans.

11 (b) The department shall appoint a director to administer  
12 the home. The director shall be qualified and licensed in the  
13 Commonwealth as a nursing home administrator. The director shall  
14 appoint such officers and employes as may be necessary and fix  
15 their salaries in conformity with the standards established by  
16 the executive board.

17 (c) The department may accept gifts, grants or payments for  
18 the use of the home: Provided, however, That the department  
19 shall only receive and accept Federal funds to the extent they  
20 are appropriated to the department by the General Assembly.

21 (d) The department shall establish a schedule of fees to be  
22 charged residents. The fees shall be based on the level of  
23 service or care required and the ability of the resident to pay.

24 (e) The department shall establish the level of service to  
25 be provided in accordance with the Federal veteran's  
26 administration standards of nursing and domiciliary care.

27 Section 10. Section 2001 of the act, amended May 6, 1970  
28 (P.L.356, No.120), is amended to read:

29 Section 2001. Powers and Duties in General.--The Department  
30 of Transportation shall, subject to any inconsistent provisions



1 in this act contained, exercise the powers and perform the  
2 duties by law vested in and imposed upon the said department,  
3 the Secretary of Transportation, the former State Highway  
4 Department, former State Highway Commissioner, the former  
5 Department of Highways, the former Secretary of Highways, those  
6 powers and duties relating to certificates of title, licensing  
7 of operators, registration of motor vehicles, tractors, trailers  
8 and semi-trailers, licensing of motor vehicles and tractors and  
9 exemptions and reciprocal agreements vested in and imposed upon  
10 the Department of Revenue and the Secretary of Revenue by the  
11 act of April 29, 1959 (P.L.58), known as "The Vehicle Code," and  
12 its amendments, and by section 13 of the act of June 19, 1964  
13 (P.L.7), known as the "Motor Carriers Road Tax Act," and shall  
14 perform the functions and duties heretofore imposed upon and  
15 performed by the Bureau of Motor Vehicles in the Department of  
16 Revenue, the Bureau of Traffic Safety in the Department of  
17 Revenue, the Department of Commerce in regard to the High-Speed  
18 Rail Demonstration Programs, the Mass Transportation Division in  
19 the Bureau of Community Development of the Department of  
20 Community Affairs, the Department of Community Affairs and the  
21 Secretary of Community Affairs by the act of January 22, 1968  
22 (Act No. 7), known as "The Pennsylvania Transportation  
23 Assistance Authority Act of 1967," and the act of January 22,  
24 1968 (Act No. 8), known as the "Pennsylvania Urban Mass  
25 Transportation Assistance Law of 1967," and the former  
26 Pennsylvania Aeronautics Commission in the Department of  
27 Military and Veterans Affairs.

28 Section 11. Whenever in any law, reference is made to the  
29 Department of Military Affairs, such reference shall be deemed  
30 to refer to and include the Department of Military and Veterans

1   Affairs.

2       Section 12.   This act shall take effect in 60 days.